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09/766818  
01/22/01  
U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Sudolcan et. al.                   §           Atty. Docket No: L-0170.23 (D-D)  
Application No: To be assigned                   §           Examiner: To be assigned  
Filed: To be assigned                   §           Group Art Unit: To be assigned  
For: A BEVERAGE DISPENSER                   §  
      INCLUDING AN IMPROVED                   §  
      ELECTRONIC CONTROL                   §  
      SYSTEM                   §

FILING UNDER 37 C.F.R. § 1.53 (b)

BOX PATENT APPLICATION  
ASSISTANT COMMISSIONER  
FOR PATENTS  
Washington, D.C. 20231

Sir:

This is a request for filing a

☐ continuation

☒ divisional

application under 37 C.F.R. § 1.53(b) of pending prior application no. 09/575,301  
filed on May 19, 2000, for the invention entitled: A Beverage Dispenser Including an  
Improved Electronic Control System

1. A copy of the prior application as originally filed is attached herewith.

☒ I hereby verify that the attached papers are a true and accurate copy of the  
above-identified prior application, including the oath or declaration  
originally filed.

The prior application as originally filed is as follows:

☒   1   title page;

☒  58  pages of specification;

☒  22  pages of claims;

[X] 1 abstract page;

[X] 11 drawing sheets;

[X] 5 pages of Declaration and Power of Attorney and Assignment of the invention.

2. Amendments

[X] Please cancel in this application original claims 1-55 and 60-62 before calculating the filing fee.

[ ] A Preliminary Amendment is enclosed. Any claims added by this Preliminary Amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.

3. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

[ ] There is provided herewith a Petition to Suspend Prosecution For the Time Necessary to File an Amendment (New Application Filed-Concurrently).

4. Fee Calculation

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CLAIMS AS FILED

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Number Filed	Number Extra	Small Entity	Other Than A Small Entity
<hr/>			
Total Claims: <u>4</u> - 20 = <u>0</u> x 9.00 = \$ <u>          </u> x 18.00 = \$ <u>0</u>			

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Independent  
Claims: 2 - 3 = 0 x 40.00 = \$            x 80.00 = \$ 0

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Multiple dependent  
Claim(s), if any            x 135.00 = \$            x 270.00 = \$ 0

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Basic Filing Fee \$            or \$ 710.00

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TOTAL \$ \_\_\_\_\_

TOTAL \$ 710.00

☐ Fee for extra claims is not being paid at this time. (37 C.F.R. 1.16 (d) ).

Filing Fee Calculation: \$ 710.00

5. Small Entity Status

A Verified Statement that this filing is by a small entity:

☐ is attached.

☐ has been filed in the present application, but such status is no longer proper.

☐ has been filed in the parent application, such status is still proper and desired (37 C.F.R. 1.28 (a) ).

6. Drawings

☐ Transfer the drawings from the prior application to this application and, subject to item 17 below, abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (This filing is signed by the attorney or agent of record authorized by 37 C.F.R. 1.138 and is being filed before payment of the issue fee.)

☐ Transfer the following sheet (s) of drawing from the prior application to this application: \_\_\_\_\_ .

☐ A copy of the amendment canceling these sheets of drawing in the prior application is attached.

☒ Copies of the original drawings are enclosed:

☐ formal.

☒ informal.

7. Foreign Priority – 35 U.S.C. 119

☐ The foreign priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_  
\_\_\_\_\_ for a \_\_\_\_\_ in \_\_\_\_\_ is claimed  
under 35 U.S.C. 119.

☐ The certified copies have been filed in U.S. application serial no. \_\_\_\_  
\_\_\_\_\_.

☐ The certified copy will follow.

8. Relate Back – 35 U.S.C. §120

☒ Please amend the specification by inserting in the first line after the heading "Cross Reference to Related Applications" and after "This application is a" the following text:

☐ continuation

☒ divisional

application of co-pending application

☒ no. 09/575,301 which was filed on May 19, 2000.

☐ international Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S.

9. Inventorship Statement

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. 120, the inventors in this application are:

☒ the same.

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application deleted:

\_\_\_\_\_  
\_\_\_\_\_.

(b) The inventorship for all the claims is this application is:

☒ the same.

☐ not the same and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

10. Assignment

- ☒ the prior application is assigned of record to: Lancer Partnership, Ltd., and a copy of the Assignment as originally filed is enclosed.
- ☐ An Assignment of the invention to \_\_\_\_\_ is attached.

11. Fee Payment Being Made At This Time

- ☐ Not Enclosed.
- ☐ No filing fee is submitted. (The filing fee and the surcharge required by 37 C.F.R. 1.16 (e) will be paid subsequently).
- ☒ Enclosed.
- |   |                  |
|---|------------------|
| <input checked="" type="checkbox"/> Basic Filing Fee:   | \$ <u>710.00</u> |
| <input type="checkbox"/> Recording Assignment   | \$ _____         |
| <input type="checkbox"/> Processing and retention fee (\$120.00; 37 C.F.R. 1.53 (d) and 1.21 (1) ): | \$ _____         |
| _____   |                  |
| TOTAL FEES ENCLOSED: \$ <u>710.00</u>   |                  |

12. Method of Payment of Fees

- ☒ Enclosed is a check in the amount of \$ 710.00 .
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

13. Authorization to Charge Additional Fees

- ☐ if a check is inadvertently not enclosed or is insufficient, the commissioner is hereby authorized to charge any deficiency in the following fees which may be required by this paper, or credit any overpayment of such fees to Deposit Account No. \_\_\_\_\_:
- ☐ 37 C.F.R. 1.16 (a), (f) or (g) (filing fee)
- ☐ 37 C.F.R. 1.16 (b), (c) and (d) (presentation of extra claims)

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- ☐ 37 C.F.R. 1.17 (application processing fees)
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 C.F.R. 1.311 (b) ).

A duplicate of this request is attached.

- ☐ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application to Deposit Account No. \_\_\_\_\_ :
- ☐ 37 C.F.R. 1.16 (a), (f) or (g) (filing fee)
- ☐ 37 C.F.R. 1.16 (b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. 1.17 (application processing fees)
- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing Notice of Allowance, pursuant to 37 C.F.R. 1.311 (b) ).

14. Power of Attorney

- ☒ The power of attorney in the original application is to Christopher L. Makay, Reg. No. 34,475 and Albert J. Makay, Reg. No. 37, 527; a copy is enclosed.
- ☒ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ A new power has been executed and is attached.
- ☐ Address all future communications to:

LAW OFFICES OF CHRISTOPHER L. MAKAY  
1634 Milam Building  
115 East Travis Street  
San Antonio, Texas 78205  
(210) 472-3535

15. Maintenance of Copendency of Prior Application

☐ A petition, fee and response has been filed to extend the term in the pending prior application unit \_\_\_\_\_ .

☐ A copy of the petition for extension of time in the prior application is attached.

16. Conditional Petition for Extension of Time in Prior Application

☐ A conditional petition for extension of time is being filed in the pending parent application.

☐ A copy of the conditional petition for extension of time in the prior application is attached.

17. Abandonment of Prior Application (if applicable)

☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine ore imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

LAW OFFICES OF CHRISTOPHER L. MAKAY  
1634 Milam Building  
115 East Travis Street  
San Antonio, Texas 78205  
(210) 472-3535

DATE: 22 January 2001

BY: 

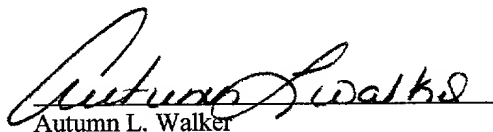
Christopher L. Makay  
Reg. No. 34,475

ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 CFR 1.10 on the dated indicated below, addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Express Mail No. EL728800331US Date: January 22, 2001

  
Autumn L. Walker

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